

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 05-00083-01-CR-W-HFS
)	
KAWAN R. CLARK,)	
)	
Defendant.)	

MOTION FOR CONTINUANCE
WITH SUGGESTIONS

COMES NOW the defendant, Kawan R. Clark, by and through his counsel, Travis D. Poindexter, Assistant Federal Public Defender for the Western District of Missouri, in accordance with Rule 47, Fed. R. Crim. P., and Rule 7.1 (b) and (c) of the Local Rules of Procedure for the United States District Court for the Western District of Missouri, and moves this Court, pursuant to 18 U.S.C. §3161(h)(8)(A) and (B), to continue this case from the March 20, 2006, Criminal Trial Docket until the Accelerated Joint Criminal Trial Docket scheduled to commence on April 24, 2006.

SUGGESTIONS IN SUPPORT OF MOTION FOR CONTINUANCE

1. On March 4, 2005, a Federal Grand Jury, sitting in the Western District of Missouri, returned a one count Indictment charging that defendant was a felon in possession of a firearm in violation of 18 U.S.C. §§922(g) and 924(a)(2).

2. On February 8, 2006, the Office of the Federal Public Defender was appointed to represent Mr. Clark.

3. On February 16, 2006, Mr. Clark appeared before the Honorable Sarah W. Hays, United States Magistrate Judge for an arraignment. At that hearing, Mr. Clark entered a plea of not guilty.

Mr. Clark is currently in custody on a writ from the Missouri Department of Corrections.

4. Counsel needs additional time to conduct independent legal and factual investigation for trial preparation and plea negotiations. Defendant has not filed a previous continuance motion.

5. Bruce Clark, Assistant United States Attorney, has indicated that he has no objection to this continuance request.

6. This continuance is sought not for purpose of dilatory delay, but is sought in truth and fact that the defendant may be afforded due process of law under the Fifth Amendment to the United States Constitution. In accordance with 18 U.S.C. §3161(h)(8)(A) and (B)(iv), it is submitted that the above-stated reasons for a continuance outweigh the best interests of the public and the defendant to a speedy trial, which is required by 18 U.S.C. §3161(c)(1).

7. Under the provisions of 18 U.S.C. §3161(h)(8)(A) the period of time until the next criminal trial docket should be excluded in computing the period of time in which the defendant should be brought to trial under the provisions of the Speedy Trial Act.

WHEREFORE, the defendant, Kawan R. Clark, respectfully requests this Court, pursuant to 18 U.S.C. §3161(h)(8)(A) and (B), to continue this case from the March 20, 2006, Criminal Trial Docket until the Accelerated Joint Criminal Trial Docket scheduled to commence on April 24, 2006.

Respectfully submitted,

/s/ **Travis D. Poindexter**

Assistant Federal Public Defender
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(816) 471-8282

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

In accordance with Rule 49(a), (b) and (d), Fed. R. Crim. P., and Rule 5(b), Fed. R. Civ. P., it is hereby CERTIFIED that one copy of the foregoing motion was electronically delivered to Bruce Clark, Asst. U.S. Attorney, 400 E. 9th Street, Fifth Floor, Kansas City, MO 64106, on this 28th day of February, 2006.

/s/ **Travis D. Poindexter**
Travis D. Poindexter